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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/052,747

01/23/2002

Patrick J. Naughton

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01/17/2006

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EXAMINER

LUU, SY D

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,747

Applicant(s)

NAUGHTON ET AL.

Examiner

Sy D. Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Reply filed 10/14/05.
2. Claims 45-54 are pending in this application. Claims 45, 49 and 52 are independent claims. This action is made Non-Final.
3. In the instant Reply, Applicants requested for: (a) the rejection of claims 45-48 under 35 USC § 102, first paragraph, to be withdrawn since the cited limitations are described in the specification; and (b) the removal of the Abrams et al reference due to the filing date of Abrams et al being later than the filing date of the present application. After careful reviews of the request, the Examiner agrees and the rejections as requested have been removed accordingly. Therefore, new grounds of rejections are set forth below.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 45-46, 49-50, and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein (US 5,410,326).

As per claims 45-46, Goldstein teaches a method of providing an interactive display on a display device in a network that controls a remote device in the network, the method comprising: selecting a display object on a device display in the network, generating at the display device a request associated with the selected display object, initializing, at the display device, a communication manager that monitors communication with the remote device, sending the request to the remote device in the network so that a corresponding remote method is invoked, receiving at the display device a reply from the remote device when the communication manager fails to detect communications errors (*Examiner interprets that if there is no error, then the step of receiving a reply is proceeded as normal and expected in all instances*), analyzing the received reply to determine whether the reply corresponds to the selected display object, and displaying an interactive graphical interface on the display device when the received reply corresponds to the selected display object (fig. 3; col. 7, lines 1-32; col. 10, lines 45-63).

Claims 49-50 are similar in scope to claims 45-46, and are therefore rejected under similar rationale.

Claims 52-53 are similar in scope to claims 45-46, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

7. Claims 47-48, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US 5,410,326).

As per claims 47-48, Goldstein does not disclose a timer being used in conjunction with the communications manager, and various steps of timer communication requests for a

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communication reply such as setting/resetting/monitoring countdown timer and terminating communications between devices as claimed. However, the use of a timer and its associated features in conjunction with a communications monitoring networks are well known in the art. It would have been obvious to an artisan at the time of the invention to include such a component and its functions with Goldstein's method in order to provide a time-out means to prevent undesirable infinite waiting for a response from one communication device to another.

Claims 51 and 54 are similar in scope to claims 47-48, and are therefore rejected under similar rationale.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SY D. LUU
PRIMARY EXAMINER
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